



Austin City Council MINUTES

FEBRUARY 3, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Urdy.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of January 20, 1994, and Special Meetings of January 5, 6, 10, 15, 16, 19, 20, and 24, 1994

On Councilmember Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmember Reynolds and Shea out of the room, Councilmember Urdy absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Leonard Lantz, to discuss action on obscene broadcast by Channel 36.
3. Mr. Tim Curtis, to speak on STNP.
Ms. Angela Hinman spoke for Mr. Curtis
4. Mr. Bill Jackson, to speak on STNP.
5. Mr. Tom (Smitty) Smith, to speak on STNP.
6. Mr. Paul Robbins, to speak on STNP.
7. Mr. Chris Cortez, to speak on STNP.
8. Ms. Susan Lee, to speak on STNP.
9. Mr. E. Dragon, to speak on STNP.
10. Mr. Les Breeding, to speak on STNP.
11. Mr. Victor Blane, to speak on STNP.

CITY MANAGER REPORT

12. Brackenridge Hospital Action Plan and Timeline.
Report given by Byron Marshall

ITEMS CONTINUED FROM PREVIOUS MEETING

13. Approve execution of the following contracts through the State of Texas Cooperative Purchasing Program for the purchase of various types of trucks, utility vehicles, sedans, vans and cabs and chassis, with HENDRIX GMC, Austin, Texas, in the amount of \$260,250; SOUTHWAY FORD, INC., San Antonio, Texas, in the amount of \$336,838; McMORRIS DOWNTOWN FORD, Austin, Texas, in the amount of \$37,705; BILL MUNDAY PONTIAC, INC., Austin, Texas, in the amount of \$91,888; WICKERSHAM FORD L-M, INC., Orange, Texas, in the amount of \$193,456; KNAPP CHEVROLET, INC., Houston, Texas, in the amount of \$146,950.11, for a total amount of \$1,067,087.11. (Funding was included in the 1993-94 Capital Budget for the Electric Utility)

ORDINANCES

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2433-2507 E. Oltorf Street, Case No. C14-93-0116, from "SF-3", Family Residence and "LR", Neighborhood Commercial to "MF-3", Multifamily Residence (medium density), BRIDGE OAK LODGE (Kenneth L. Beall), by Lopez-Phelps and Young (Amelia Lopez-Phelps). First reading on January 20, 1994; Vote 5-0, Mayor Todd out of the room and Councilmember Shea absent. Conditions met as follows: Conditions have not been met; Council requested a report from staff regarding mitigation of pollution from the site.
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2502 E. Oltorf Street and 2432 Pleasant Valley Road, Case No. C14-93-0139, from "LR", Neighborhood Commercial to "MF-3", Multifamily Residence (medium density), BRIDGE OAK LODGE (Kenneth L. Beall), by Lopez-Phelps & Young (Amelia Lopez-Phelps). First reading on January 20, 1994; Vote 5-0, Mayor Todd out of the room and Councilmember Shea absent. Conditions met as follows: Conditions have not been met; Council requested a report from staff regarding mitigation of pollution from the site.
16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2209-2433 S. Pleasant Valley Road (odd numbers only), 2514 E. Oltorf Street and 2513 Sherringham Drive, Case No. C14-93-0140, from "MF-2", Multifamily Residence (low density) and "LR", Neighborhood Commercial to "MF-3", Multifamily Residence (medium density), BRIDGE OAK LODGE (Kenneth L. Beall), by Lopez-Phelps & Young (Amelia Lopez-Phelps). First reading on January 20, 1994; Vote 5-0, Mayor Todd out of the room and Councilmember Shea absent. Conditions met as follows: Conditions have not been met; Council requested a report from staff regarding mitigation of pollution from the site.

#14-16, APPROVE 2ND READING ONLY SUBJECT TO INSTALLATION OF TRASH RACKS AT THE STORMWATER INLETS FROM THE PARKING LOTS TO SEPARATE TRASH AND DEBRIS; PREPARE AND IMPLEMENT AN INTEGRATED PEST MANAGEMENT PLAN BEFORE 3RD READING, per request of Councilmember Garcia.

#13-16 On Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.
17. Amend Chapter 7-1 of the City Code, "Discrimination in Housing" to retain the current investigative and enforcement procedures for complaints filed under the basis of creed, status as a student, marital status, sexual orientation or age. (No fiscal impact.)
18. Amend Chapter 7-1 of the City Code, "Discrimination in Housing" to be substantially equivalent to the Federal Fair Housing Act. (No fiscal impact.)

#17-18, On Councilmember Goodman's motion for first reading only, Councilmember Shea's second, 6-0 vote, Councilmember Urdy absent.
19. Authorize acceptance of \$42,000 in grant funds from the Texas Department of Health for a Bicycle Injury Prevention grant; amend Ordinance No. 930915-A, the 1993-94

operating budget, amending the Special Revenue Fund by appropriating \$42,000 in grant funds for the Health and Human Services Department Special Revenue Fund, and adding 1.0 grant funded full-time equivalent.

20. Authorize acceptance of an additional \$101,990 in grant funds from the Texas Department of Health, Community and Rural Health, for expanding public health nursing activities; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating an additional \$49,250 for the period of September 1, 1993 to August 31, 1994 (total \$199,429) and an additional \$52,740 for the period of September 1, 1994 to August 31, 1995 (total \$202,919) for the Health and Human Services Department Special Revenue Fund; and authorizing one (1.0) additional grant funded full-time equivalent.

#19-20 On Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.

21. Amend Ordinance No. 930915-A, the 1993-94 operating budget, increasing budgeted revenue by accepting \$212,873 from the Aqua Festival Park Development; authorize \$212,873 for payment of costs incident to the staging of 1993 Aqua Festival; decrease the Parks and Recreation Capital Budget, Ordinance No. 930915-B by \$109,656 and authorize the release of Aqua Festival Park Development from licensing fees due for the 1993 Aqua Festival. (Related to Item 64)

On Councilmember Garcia's motion for option #2, Councilmember Reynolds' second, 6-0 vote, Councilmember Urdy absent.

Councilmember Shea offered a friendly amendment to pay 65 cents on the dollar which was accepted by Councilmember Garcia, the maker of motion, but not Councilmember Reynolds who seconded. Councilmember Shea offered a substitute amendment to pay 65 cents on the dollar but received no second.

22. Approve issuance by Northtown Municipal Utility District of District Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds Series 1994, in an amount not to exceed \$1,000,000; approving the terms, conditions and covenants of the Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid, and the Preliminary Official Statement. (No direct fiscal impact to the City. The City is not obligated for payment on District bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission]
23. Approve issuance by Circle C Municipal Utility District #4 of District Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds Series 1994, in an amount not to exceed \$3,000,000; approving the terms, conditions and covenants of the Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid, and the Preliminary Official Statement. (No direct fiscal impact to the City. The City is not obligated for payment on District bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission] (Related to Item 62)

24. Approve the annexation of the Dellana Hills and G & J Water Supply Corporations existing service areas into Travis County Water Control and Improvement District #10 in order for the District to provide retail water service. (The Utility will receive approximately \$5,500 per year of water revenue from increased water sales to District #10 by authorizing the District to add this area to its service area.) (Recommended by Water and Wastewater Commission)
 25. Amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund for the Health and Human Services Department by adding 1.25 grant funded full-time equivalent positions for the High Risk Youth Initiative Program. (Funding in the amount of \$280,000 was provided by the U.S. Department of Health and Human Services.) [Related to Item 28]
- #22-25 On Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.
26. Amend Ordinance No. 930915-A, the 1993-94 operating budget, by decreasing the General Fund Unreserved Ending Balance by \$100,000; increasing the General Fund Transfer Out to the Support Services Fund by \$100,000; increasing the Support Service Fund Transfer In from the General Fund by \$100,000; and by increasing the appropriation of the Law Department by \$100,000 to fund a legal services contract with Bickerstaff, Heath & Smiley for representation in Milburn Investments, Inc., and Wells Branch Municipal Utility District v. City of Austin, et. al. (Related to Item 27)

RESOLUTIONS

27. Approve a contract with the law firm of Bickerstaff, Heath & Smiley, L.L.P., for legal representation in Milburn Investments, Inc., and Wells Branch Municipal Utility District v. City of Austin, et. al., in an amount not to exceed \$200,000. (Funding in the amount of \$100,000 is available in the 1993-94 operating budget of the Water and Wastewater Utility; \$100,000 is available in the amended 1993-94 operating budget of the Law Department.) [Related to Item 26]
- #26-27, On Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.
28. Approve negotiation and execution of seventeen (17) month contracts with four (4) community based organizations for the High Risk Youth Demonstration Initiative Program services with AMERICAN INSTITUTE FOR LEARNING, in an amount not to exceed \$27,625; AUSTIN-TRAVIS COUNTY YOUTH SERVICES, in an amount not to exceed \$27,625; COMMUNITIES IN SCHOOLS, in an amount not to exceed \$27,625; and MIDDLE EARTH UNLIMITED INC., in an amount not to exceed \$27,625; and a twenty-three (23) month contract for the provision of program evaluation of the High Risk Youth Initiative Program with RESOURCE NETWORK, in an amount not to exceed \$26,833. (Funding is available in the 1993-94 operating budget of the Health and Human Services Department Special Revenue Fund through grant funds from the U.S. Department of Health and Human Services.) [Related to Item 25]

29. Approve negotiation and execution of a twelve (12) month contract with AUSTIN COMMUNITY COLLEGE, Child Development Department, for the administration of the Child Care Accreditation Program, in an amount not to exceed \$38,000. (Funding is available through the 19th Year (1993-94) Community Development Block Grant funds for a child care accreditation program.) Single proposal. 0% MBE, .8% WBE Subcontractor participation.
30. Approve negotiation and execution of a contract with RICHARD HOLT, M.D., for services as Medical Director for the Specialty Care Center at the Children's Hospital at Brackenridge for FY 1993-94, and ratify services from October 1, 1993 to date of Council approval, in an amount not to exceed \$55,000. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.) Best proposal of three (3). No M/WBE Subcontracting opportunities were identified.
31. Approve the filing of eminent domain proceedings to acquire a permanent drainage and public utility easement containing 2,401 square feet of land and a temporary construction easement containing 630 square feet of land out of J.C. Tannehill League in Austin, Travis County, Texas, owned by Willie C. and Ethel Lewis for the Tannehill Branch of Boggy Creek Drainage Project. (Funding included in the 1991-92 Capital Budget of the Public works and Transportation Department.)
32. Approve execution of a contract with WILSON-MOHR, INC., Houston, Texas, for the purchase of 78 pressure transmitters and accessories for the Davis Water Treatment Plant, in an amount not to exceed \$84,305.75. (Funding was included in the 1991-92 Capital Budget for Water and Wastewater Utility.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
33. Approve an amendment to the Wholesale Water Service Contract with Marsha Water Supply Corporation to authorize the expansion of the existing designated service area. (The Utility will receive approximately \$10,000 in additional annual revenue from the sale of water to the Corporation as well as new customer water Capital Recovery fees.) [Recommended by Water and Wastewater Commission]
34. Approve an Interlocal Agreement between the City of Austin and the University of Texas at Austin for construction, operation and maintenance of certain wastewater lines serving the 2.171 acre Balcones Tract located at U.S. Hwy. 183 and Braker Lane. (No fiscal impact.) [Recommended by Water and Wastewater Commission]
35. Approve negotiation and execution of contracts with the following for lease of equipment, use of operators and purchase of consumables and laboratory services in order to conduct a comparative evaluation of three (3) distinct, state of the art techniques for repair of wastewater lines: AMKRETE, INC., Burlington, Ontario, Canada, in the amount of \$54,976; MILLER PIPELINE CORP., Indianapolis, Indiana, in the amount of \$51,500; and SIKA ROBOTICS, INC., Chaska, Minnesota, in the amount of \$87,500, for a total amount of \$193,976. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

36. Authorize negotiation and execution of an amendment to the Interlocal Agreement with the City of Rollingwood to provide wastewater service to property located at 203 Vale Street. (The Water and Wastewater Utility will receive a very small increase in revenue from the sale of wholesale wastewater service to Rollingwood). (Reviewed by Water and Wastewater Commission)
 37. Approve the issuance of a Letter of Intent and a rebate in the amount of \$53,874.88 to the South Hill Apartments, located at 2819 Southway Drive, for the installation of energy saving high efficiency air conditioners, solar screens and air filtration control. (Funding is available in the 1993-94 operating budget of the Energy Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission]
 38. Set a public hearing to review Austin Cablevision's basic service rate and related equipment installation charges. (Suggested date and time: February 17, 1994 at 4:30 p.m.)
 39. Set a public hearing to approve an amendment to Section 13-2, Article IV, Division 4, Part I of the Land Development Code to restrict fence construction beyond the shoreline at City lakes to remove hazards to navigation. (Suggested date and time: February 24, 1994 at 5:30 p.m.)
 40. Set a public hearing on the Airport 150 Noise Study. (Suggested date and time: February 10, 1994 at 5:00 p.m.)
- #28-40 On Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.

ITEMS FROM COUNCIL

41. Approve an ordinance establishing prohibitions against loitering for the purpose of illegal drug activities or prostitution. (Councilmembers Brigid Shea and Gus Garcia, and Mayor Bruce Todd)

On Councilmember Shea's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Goodman abstained, Councilmember Urdy absent.
42. Appoint a Council Member to fill City of Austin position on the Austin Transportation Study Policy Advisory Committee. (Austin Transportation Study Policy Advisory Committee)

Appoint Councilmember Gus Garcia on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.
43. Approve a resolution expressing the Council's intent to schedule special Council worksessions each week to address Brackenridge Hospital issues and to limit the Council meeting agendas to Brackenridge Hospital issues and items necessary to City of Austin operations for the next ninety days. (Councilmember Ronney Reynolds)
POSTPONE FOR 1 WEEK

44. Approve a resolution rescinding the Resolution of December 17, 1992, related to the use of City funds for employee travel to the State of Colorado. (Mayor Pro Tem Michael "Max" Nofziger)

On Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

45. C14H-93-0020 - BAILEY-NEUGREN HOUSE, by John H. and Martha B. Campbell, 4108 Speedway. From MF-4 to MF-4-H. Planning Commission Recommendation: To Deny the request for MF-4-H, Multifamily Residence (moderate-high density)-Historic, zoning.

On Councilmember Garcia's motion to close public hearing and to grant MF-4-H, historic zoning, 1st Reading only, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

46. C14-93-0110 - CITY OF AUSTIN - Department of Planning & Development, Enfield Road, 1501-1511 Scenic Drive and 3713-3721 Bonnie Road. From LO, MF-2, SF-3 to P. PLANNING COMMISSION RECOMMENDATION: To Grant P, Public District, zoning with the recommendation that the Parks and Recreation Department (PARD) and Environmental and Conservation Services Department (ECSD) address the following conditions as soon as possible: (1) limit use to 24-hours; (2) post signs prohibiting parking for non park and boat dock use; (3) relocate street sweeper transfer site (ECSD); and (4) use pervious pavers for future paving, keeping area as natural as possible (PARD).

APPROVED PLANNING COMMISSION RECOMMENDATION - 1ST READING ONLY

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

47. C14-93-0123 - Trammell-Crow Company (Bob Liverman), N. Mopac and W. Braker Lane. From IP to MF-2. PLANNING COMMISSION RECOMMENDATION: To grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning district. The conditional overlay would impose the following conditions: (1) Limit the proposed density to 18 units per acre. (2) prohibit access to Calle Verde Drive and Allegro Drive from the proposed development. A building permit for development of the property should not be issued until access is provided to Braker Lane. The following condition should be included in a restrictive covenant. The applicant shall obtain, from the Texas Natural Resource Conservation Commission, approval of a Landfill Gas Management Program which outlines how development will be protected from landfills which are in close proximity to the subject tract prior to the release of a consolidated administrative site plan. Further subject to compliance with the Integrated Pest Management Program.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

There were no additional motions.

48. C14H-93-0010 - Christopher Thomas, 1106 Toyath Street. From SF-3 to SF-3-H. **PLANNING COMMISSION RECOMMENDATION:** To Grant SF-3-H, Family Residence-Historic, zoning based on designation criteria items (1), (2), (6), (7), (8), (9) and possibly (12) and (13).

Close public hearing and approve Planning Commission Recommendation, 1st Reading only, on Councilmember Goodman's motion, Councilmember Reynold's second, 6-0 vote, Councilmember Urdy absent.

49. C14-93-0145 - FIRST NATIONAL BANK OF CANTON (Ben Shirey II), by K.C. Engineering (Ron Pritchard), 13441 N. F M 620 Road. From I-SF2 to GR. **PLANNING COMMISSION RECOMMENDATION:** To Grant GR-CO, Community Commercial-Conditional Overlay, GR-CO, Community Commercial-Conditional Overlay, zoning limiting the square footage for the following uses: (1) General Retail Sales - 13,268 sq. ft.; (2) Financial Services - 12,500 sq. ft.; (3) Food Sales - 11,261 sq. ft.; (4) Restaurant (fast food/drive-in) - 3,163 sq. ft.; and (5) Restaurant (general) - 9,738 sq. ft.

APPROVE PLANNING COMMISSION RECOMMENDATION - ORDINANCE

50. C14-93-0146 - LAND & LEASES, INC. (John W. Doyal), by Consort, Inc. (Ben Turner, Jr.), 6263 McNeil Drive. From GR-CO to MF-3-CO. **PLANNING COMMISSION RECOMMENDATION:** To Grant MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, zoning subject to density limitation of 30 units-per-acre and Integrated Pest Management program. (Applicant requests emergency passage.)

APPROVE PLANNING COMMISSION RECOMMENDATION - ORDINANCE, EMERGENCY PASSAGE

51. C14-93-0147 - ROBERT M. ALLAN, by Mathias Co. (Mike McBride), Manchaca Road and Davis Lane. From DR to SF-2. **PLANNING COMMISSION RECOMMENDATION:** To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, zoning limiting the density to 195 single-family units; and RR, Rural Residence zoning for the areas within the 100-year floodplain; subject to filtration.

APPROVE PLANNING COMMISSION RECOMMENDATION - 1ST READING ONLY

#49-51, On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

52. C14-93-0148 - JNMD (Jennet Carroll), by Mathias Co. (Mike McBride), Manchaca Road and Davis Lane. From DR to SF-2 and LR. **PLANNING COMMISSION RECOMMENDATION:** To Grant SF-1, Single Family Residence (large lot), zoning for a portion of Tract 1 from the western boundary of the subject tract to the eastern point where SF-1 zoning adjoins Davis Lane; SF-2, Single Family Residence (standard lot), zoning for the remainder of Tract 1; and LR, Neighborhood Commercial, zoning for Tract 2. Conditions to zoning are as follows: (1) require filtration; (2) limited to two access points from the property on to Davis Lane; and (3) prohibit residential lots from fronting on Davis Lane.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

Approve 1st reading only of Planning Commission Recommendation with the following changes & conditions: 1) SF-2 for Tract 1; 2) 85' wide lots for Tract 1A; 3) screening as recommended by the Castlewood Oak Valley Neighborhood Assoc.; 4) no access to Davis Lane from Tract 1 (close to Manchaca Road), on Councilmember Goodman's motion, May Pro Tem Nofziger's second, 6-0 vote, Councilmember Urdy absent.

53. C14-93-0149 - DAUGHTERS OF CHARITY OF HEALTH (Peter Kaharl), by Margaret Gosselink, 3203 to 3219 Wabash Avenue. From GO to GO-MU. PLANNING COMMISSION RECOMMENDATION: To Grant GO-MU, General Office-Mixed Use, zoning as requested. APPROVE PLANNING COMMISSION RECOMMENDATION - ORDINANCE

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea out of room, Councilmember Urdy absent.

54. C14-93-0150 - H.E. BUTT GROCERY COMPANY (Todd Piland), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg), 6929 Airport Boulevard. From CS to CS-1. PLANNING COMMISSION RECOMMENDATION: Forward to Council without a recommendation due to lack of a quorum vote. GRANT STAFF RECOMMENDATION - 1ST READING; SUBJECT TO ROLLBACK TO CS IF USE CEASES FOR MORE THAN 120 DAYS

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

55. C14-93-0151 - JERRY DEUTSER, by Bury & Pittman (James B. Knight, P.E.), 8801 Research Boulevard. From GR to LI. PLANNING COMMISSION RECOMMENDATION: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, subject to prohibiting the following uses: Basic Industry, Custom Manufacturing, Resource Extraction, Limited Warehousing and Distribution, and General Warehousing and Distribution. APPROVE PLANNING COMMISSION RECOMMENDATION - 1ST READING ONLY

The following case will be postponed to a future date. Posting of these cases on this agenda is required due to a previous advertisement for a public hearing on this date.

56. C14-93-0144 - BROCK-SPAVINAW PARTNERSHIP (R. Merrill), by Strasburger & Price, Armbrust (Richard T. Suttle), 6100 E. Ben White Boulevard. From SF-2 & GR to LI. APPROVE POSTPONEMENT UNTIL MARCH 17, 1994

#55-56 On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea out of the room, Councilmember Urdy absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

57. 4:30 P.M. - Approve proposed update to Impact Fee CIP and Land Use Assumptions; amending of Impact Fee Service Area and Water and Wastewater Service area; and amend Chapter 13-3A, Land Development Code, approving and incorporating the amending Impact Fee CIP and Land Use Assumptions. (Recommended by Planning Commission and Water and Wastewater Commission)

Close public hearing on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Urdy absent.

Approve as recommended by Planning Commission and Water and Wastewater Commission on Councilmember Goodman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.

58. Approve an amendment to the Wholesale Service Contract with Hill Country Water Supply corporation authorizing expansion of designated service area and modifying the provision implementing a "Readiness to Serve" charge. ((The Utility will receive approximately \$50,000 in additional annual wholesale water revenues from sales in expanded wholesale area.) [Recommended by Water and Wastewater Commission]

On Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 4-2 vote, Councilmembers Goodman and Shea voted NO, Councilmember Urdy absent.

59. 5:00 P.M. - Public hearing on the full purpose annexation of the R.W. Walling Tract on Farmer Lane.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Urdy absent.

60. 7:00 P.M. - Amend Chapter 12-5 of the City Code entitled "Smoking in Public Places" to prohibit smoking in public places. (Councilmember Gus Garcia and Mayor Bruce Todd)

Close public hearing on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Goodman out of the room, Councilmember Urdy absent.

Councilmember Garcia moved adoption of the ordinance approving 100 per cent smoking ban effective in 10 days, Councilmember Shea's second.

Substitute Motion

Councilmember Reynolds offered a substitute motion with the following changes to the draft ordinance of 2-1-94:

Section 12-5-5(A)(6)(c) - Add "on or before March 16, 1997, the bars shall have a separate HVAC system"

Section 12-5-5(A)(7) - Add "between 2:00 p.m. and 6:00 a.m."

Section 12-5-5(A)(8)(c) - Add "separate"

Section 12-5-5(A)(11) - Add "within one year of passage of this ordinance"

Section 12-5-5(A)(14) - Correct typo to read 2:00 p.m. to 6:00 a.m.

Section 12-5-1, Definitions - "LIVE MUSIC VENUE" means a facility where musicians perform live music at least three days per week and where a cover charge is collected at least two days per week when live music is being performed.

Section 12-5-5(A)(18) - Add "Live Music Venues that offer at least 25 per cent nonsmoking shows per week"

Second to Substitute Motion

Mayor Pro Tem Nofziger seconded the motion.

Amendments to Substitute Motion

Councilmember Shea offered an amendment to Section 12-5-5 (A)(5)(c) - Change date to March 15, 1996, and Section 12-5-5(A)(6)(c) - change date to March 15, 1996, Section 12-5-5(A)(14) - change date to March 15, 1996, and Section 12-5-5(A)(15) - add "unless the Council determines, upon request, that there is a financial hardship and grants a one-year extension".

Councilmember Reynolds accepted the amendments.

Amendment to Main Motion

Mayor Todd offered the following amendment to the motion by Councilmember Garcia:

Smoking would be banned in all restaurants without bars and the entire dining areas of restaurants with bars immediately.

In bars, lounges taverns and live music venues and bars and restaurants, 50% of the floor area would be segregated or designated non-smoking immediately.

In bingo and bowling and beer establishments 6% of the floor area or lanes must be non-smoking and smoking will be banned entirely if people or persons under the age of 18 are allowed.

By March 1, 1996 all public places will either designate smoking areas which will be separated by four walls and have a clear h-vac, h-vac system with needed pressure system or the 100% ban.

In outdoor patios, terraces and areas of public places 50% of the floor area must be designated as non-smoking immediately.

The amendment was not accepted by Councilmember Garcia.

Roll Call on Substitute Motion

Roll call on the substitute motion showed a 4-2 vote, Mayor Todd and Councilmember Garcia voting NO.

EXECUTIVE SESSION

Council held executive session 3:23 to 5:07 P.M. for discussion on

Items 63, 64, 65 and 66

Advice from Counsel - Section 551.071

61. Discuss legal issues related to resolution of Brackenridge Hospital difficulties and the need for outside counsel to assist in analyzing alternatives.
62. Discuss the terms, conditions and covenants of the Circle "C" Municipal Utility District #4 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds Series 1993. (Related to Item 23)
63. Discuss legal issues regarding the application of SOS Ordinance to Lot 1, Section II, Wallingwood Subdivision, Site Plan Case No. SP-93-0245C.
64. Discuss a proposal for the payment of fees and expenses relating to the 1993 Aqua Festival. (Related to Item 21)

Pending/Contemplated Litigation - Section 51.071

65. Discuss status of Tommy Dollar, et al v. General Motors, Class Action No. 92-1089.
66. Discuss Milburn Investments, Inc., et al v. City of Austin; Cause No. 93-08464.

ADJOURN at 2:40 a.m., February 4, 1994, on Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Urdy absent.